Regular Meeting

The regular meeting of the City Council of the City of Fitchburg was held in the Memorial Middle School Library, 615 Rollstone St., Fitchburg, on June 7, 2016. The meeting was called to order by President Kushmerek at 7:04 P.M. The Clerk called the roll and ten (10) members were present. Councillor Bean was absent. The meeting opened with a salute to the Flag led by Councillor Green.

Communication His Honor the Mayor

Letter of Appointment

#### COMMUNICATIONS FROM HIS HONOR THE MAYOR

Letter of appointment of Mrs. Mary Whitney to the Board of Park Commissioners.



The City of Fitchburg

OFFICE OF THE MAYOR

STEPHEN L. DINATALE MAYOR **166 BOULDER DRIVE** 

FITCHBURG, MA 01420 TEL. (978) 829-1801

**AARON TOURIGNY CHIEF OF STAFF** ATOURIGNY@FITCHBURGMA.GOV

JOAN DAVID ADMINITRATIVE AIDE JOD VID OF THE CHBURGMA.GOV

May 31, 2016

The Honorable City Council Fitchburg Municipal Offices 166 Boulder Drive, Suite 108 Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Mrs. Mary Whitney of 12 Pine Street, Fitchburg, MA, as a member of the Board of Park Commissioners, for a term to expire on April 1, 2021.

Please feel free to contact me with any questions.

Sincerely,

Stephen L. DiNatale

Mayor

Appointment read and referred to the Appointments Committee.

Letter requesting an appointee of the City Council to serve on the selection committee for the Community Development Director position.

Communication His Honor the Mayor

Re: Selection Committee for the Community Development Director Position



STEPHEN L. DINATALE

166 BOULDER DRIVE FITCHBURG, MA 01420 TEL. (978) 829-1801

MAYOR

The City of Fitchburg

Massachusetts

FITCH

OFFICE OF THE MAYOR

FITCHBURG CITY CLERK

16 JUN -2

**AARON TOURIGNY CHIEF OF STAFF** ATOURIGNY@FITCHBURGMA.GOV

JOAN DAVID ADMINISTRATIVE AIDE JDAVID@FITCHBURGMA.GOV

June 2, 2016

Fitchburg City Council

Dear President Kushmerek:

I respectfully request your designation of an appointee of the City Council to serve on the selection committee for the Community Development Director position with the City. As this is a department head position, it is my understanding that the Council President is solely authorized per City Code to appoint a City Council member to the selection committee for this position.

Larry Casassa, our current Community Development Director, has announced his plans to retire shortly. In the interests of a smooth transition therefore, I would like the selection process to commence as soon as possible, so as to afford the new Director an opportunity to work with Mr. Casassa as part of his/her orientation to this important position.

Upon completion of the selection process, I will forward my chosen appointee to the City Council for its confirmation as required by City Code.

Thank you for your cooperation in this matter.

Sincerely,

Stephen L. DiNatale Mayor City of Fitchburg

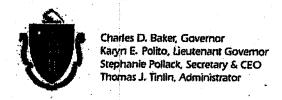
Letter read and placed on file in City Clerk's office.

Communication

City Solicitor Vincent Pusateri

#### COMMUNICATION FROM DEPARTMENT HEAD

Letter from City Solicitor Vincent Pusateri requesting a special Finance Committee meeting for July 26, 2016 and a special City Council meeting for August 11, 2016 to address the South Street Safe Route to School Project.





June 1, 2016

16 JUN -2 10 39

Vincent Pusateri, II
City Solicitor
Law Department of the City of Fitchburg
128 Prichard Street
Fitchburg, MA 01420

#### RE: 607242 FITCHBURG- SAFE ROUTES TO SCHOOLS (SOUTH STREET ELEMENTARY SCHOOL)

Dear Attorney Pusateri:

Please accept this letter as our written request to communicate the need for critical and time sensitive action by the City of Fitchburg in order to preserve the \$1.5 Million in Federal Aid for the Safe Routes to School project for the South Street Elementary School referenced above.

In order to ensure this project is advertised this federal fiscal year, there are two critical "special" meetings that Fitchburg will need to hold. The first meeting is with the Fitchburg Finance Committee on July 26, 2016, and the second one is with the City Council on August 11, 2016.

As you are aware, this project is receiving federal aid through the Safe Routes to School Infrastructure program. The project has been programmed on the Metropolitan Planning Organization's (MPO) Transportation Improvement Plan (TIP) for this federal fiscal year. This means all of the Right of Way (ROW) must be secured this federal fiscal year. In order to allow enough time for review by the Federal Highway Administration (FHWA), we will need votes taken and instruments recorded at the appropriate registry of deeds by August 26<sup>th</sup>, 2016. The current plans indicate there are four (4) permanent easements and twenty five (25) temporary construction easements required for the project. The City of Fitchburg must follow their internal requirements, and the requirements of the Federal Highway Administration, or the funding may be jeopardized.

Your commitment and oversight is essential in order to complete the requirements outlined above. In addition, this is a Project of Divisional Interest (PODI). This means that Federal Highway will be reviewing the procedures and documents used by the City of Fitchburg to acquire the needed rights for this transportation project.

Please do not hesitate to contact Pamela Marquis or Linda Walsh from my staff with any questions or concerns.

Thank you in advance for your courtesy and cooperation on this very important project.

Patricia Leavenworth, P.E.

Chief Engineer

Leading the Nation in Transportation Excellence

403 Belmont Street, Worcester, MA 01604 Tel: 508-929-3800, TTY: 857-368-0655 www.mass.gov/massdot

Communication

Council President . Michael Kushmerek

VINCENT P.PUSATERI, II
CITY SOLICITOR
128 PRICHARD STREET
FITCHBURG, MA 01420
TELEPHONE: (978)342-6081
FAX: (978)343-0600
EMAL: vpusateri@pusaterilaw.com



LAW DEPARTMENT OF THE CITY OF FITCHBURG

June 2, 2016

Michael Kushmerek Ward 4 Fitchburg City Councilor 339 Blossom Street Fitchburg, MA 01420

RE: Special meeting request

Dear Mr. Kushmerek:

Enclosed kindly find a letter from Mass DOT requesting that we schedule a special Finance Committee meeting for July 26, 2016 and a special City Council meeting for August 11, 2016. These meetings are anticipated to be necessary in order to accomplish the takings required for the South Street Safe Route to School Project. Please note that conducting these meeting on the required time schedule is necessary in order to avoid forfeiture of potential federal funds for road improvement projects in the City of Fitchburg.

Would you kindly advise as to whether those meetings could be scheduled? If you have any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

Vincent P. Pusateri II, Esq. City of Fitchburg-Solicitor

Cc: Mayor Stephen L. DiNatale, Marcus DiNatale Chairman of Finance Committee, Bryan Slack -Mass DOT Right of Way Bureau Community Compliance Officer, Linda Walsh Transportation Planner and Community Compliance Officer Right of Way Pamela Marquis Right of Way Compliance Administrator, Lenny Laakso P.E. Commissioner of Public Works

Communication read and placed on file in the City Clerk's Office.

Special Presentation

#### SPECIAL PRESENTATION

Herman J. Bourque City Council Scholarship Recipient - FHS student Agustin Sanchez

Fitchburg High School 140 Arn-How Farm Rd. Fitchburg, MA 01420

Phone: (978) 345-3250 Fax: (978) 348-2303

John Gentile

"Learners Today, Leaders Tomorrow."

Guidance Counselor gentilej@fitchburg.k12.ma.us

Agustin Sanchez is an unassuming, intelligent and mature student with a high regard for his education and social responsibilities. Over the past three years, I have grown to know Agustin as a hard working individual who puts a tremendous effort into his academics, while remaining grounded and resilient.

Academically, Agustin maintains a rigorous academic program. During his 4 years at Fitchburg High School, Agustin has achieved a 4.23 GPA and is second in his class of 271. Though intelligent, Agustin's grades have not come naturally. They are a result of hard work and perseverance.

Agustin's strength of character is not only demonstrated in the classroom but also outside of academia. He has been an active player in both soccer and track. Though not a starter he has been an auxiliary player who leads by example. In speaking to both coaches a common theme was expressed. Agustin is a coachable player, a great person, who will do what, is asked of him with enthusiasm and determination. Never late always makes practice; I wish I had 5 of him. His play has earned him the respect among his peers and more importantly his attitude has defined sportsmanship and team spirit with coaches and players.

Where did Agustin's personality traits and character strength come from? his family. When Agustin entered 5<sup>th</sup> grade, in 2008, his paternal grandfather grew ill. His father traveled to Mexico to help take care of the family farm. What was to be a short trip, turned out to be a 5 year absence, Agustin's father did not return until 2013. Agustin's mother was forced to support 4 children on her own. The impact on Agustin was powerful and significant. It forced Agustin, at an early age, to be self-sufficient and empathetic to his mother's situation. To quote Agustin: "I find it amazing my mother was able to support the family that long".

Agustin understands his strengths and is cognoscente of his weaknesses. Agustin is the type of student and person who if he does not know something or doesn't understand he asks questions. It is his intellectual curiosity which will carry him through his post-secondary studies. Agustin's mix of maturity along with his dry sense of humor will keep him balanced and make him most successful in life.

Sincerely,

John Gentile

The Fitchburg Public Schools insures employment, educational opportunities and affirmative action, regardless of race, religion, color, creed, national origin, sex, sexual orientation, or disability, in compliance with Title VI, IX Chapter 622, IDEA 2004 and section 504, MGL Ch. 76,

Section 5. Questions related to this non-discrimination regulation must be addressed to:

Mr. Richard Zeena, Grievance Officer, 376 South Street, Fitchburg, MA 01420, (978) 345-3215

OFFICE OF ADMISSION

Special Presentation



March 23, 2016

Agustin Sanchez Jr

Fitchburg, MA 01420

Dear Agustin,

Congratulations! I am pleased to offer you admission to the University of Southern California as part of the entering class of fall 2016. This offer is being extended to you as a result of your outstanding achievements — both in and out of the classroom — for all the late nights and weekends you devoted to study, and the times you went beyond what was expected of you.

The USC faculty, world renowned researchers on the forefront of the creation of knowledge, are especially eager for you to join us. They look forward to working with remarkable young people who will bring intellect, curiosity and persistence to the university community. We believe you are such a person.

Each of our students brings special qualities and a range of interests. This makes USC one of the most exciting universities in the world. By choosing USC, you will become part of an international student body of enormous talent, depth and diversity. You will work with scholars of all disciplines, from the sciences to the visual and performing arts, from the humanities to the social sciences and various professional disciplines. You will learn from others, we will learn from you, and you will grow to become one of tomorrow's leaders.

Beyond the tall trees of our beautiful campus is downtown Los Angeles, the heart of the vibrant city you will call home for your undergraduate career. Our city is your living laboratory, providing opportunities for learning in formal and informal ways, in areas such as global business, community service, and national politics. You can find just about anything here: music, art, theater, a variety of cultures, beautiful beaches, snow-capped mountains, even expansive preserves of natural wonder.

A USC education will provide you with a base of knowledge that is both broad and deep. This, combined with your mastery of one, two or even three academic fields, will equip you to make a difference in a world characterized by constant change. We believe that together we will find solutions to the problems of tomorrow, and we are excited to share this journey with you.

Welcome to the Trojan Family!

Sincerely,

Kirk Brennan Associate Dean

Director of Undergraduate Admission

University of Southern California
Los Angeles, CA 90089-0911 • Tel: 213 740 1111

Appointments Committee Oral Report

#### REPORTS OF COMMITTEES

#### Appointments Committee-Oral Report Meeting of June 7, 2016

The Appointments Committee recommended the following Appointments be confirmed:

Re-Appointments:

Fitchburg Assistant City Clerk

(Term to expire May 1, 2019) Debra A. Vilandry

Fitchburg City Clerk

(Term to expire May 1, 2019)
Anna M. Farrell

Report read and accepted. Appointments confirmed by unanimous vote. 10 members present. Board consists of 11 members.

Economic Development Committee-Oral Report Meeting of June 7, 2016

Councilor Bisol reported information obtained from a Presentation from Weston and Sampson on a parcel of land in West Fitchburg.

(\*Presentations and other matters that might impact the economic well-being to the City of Fitchburg\*)

Economic
Development
Committee
Oral Report

# Princeton Road Parcel Development Alternatives



City of Fitchburg June 7, 2016

Weston&Sampso

Economic
Development
Committee

Oral Report (cont)

### **Agenda**

- Parcel Location
- Parcel History & Project Timeline
- Parcel Attributes/Constraints
- Project Phase I Layout
- Project Phase II Layout
- Discussion

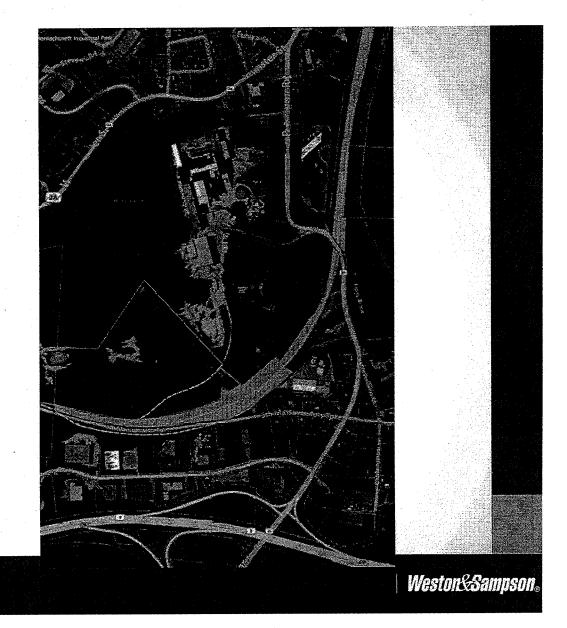


Weston&Sampson.

Economic Development Committee

Oral Report (cont)

# Parcel Location



Economic Development Committee

Oral Report (cont)

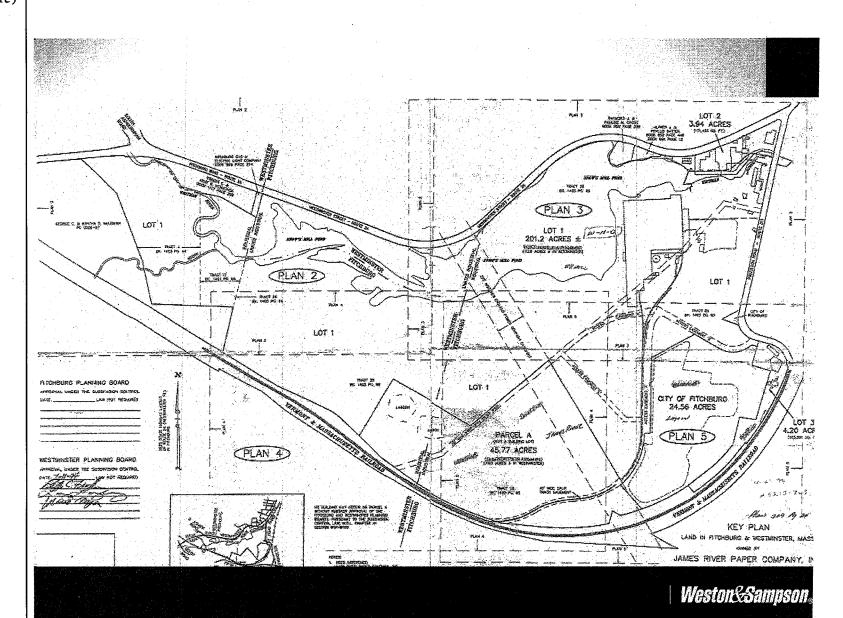
## **Project / Parcel History**

- 1970: City obtains parcel W-11-B from the Weyerhaeuser Company
  - Site utilized for sludge lagoons from the adjacent WWTP (1970-2002)
  - Dormant site from 2002-2015

Weston & Sampson .

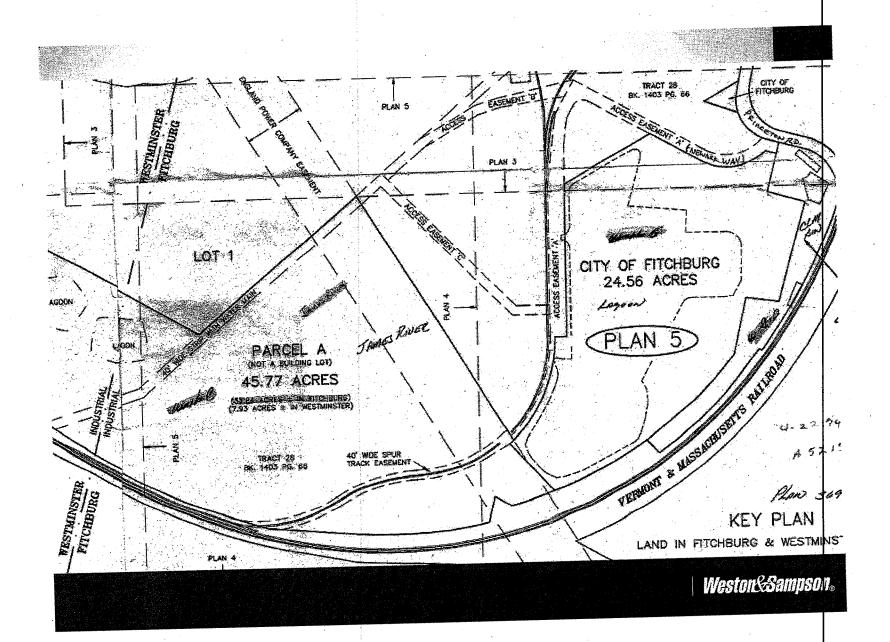
Economic
Development
Committee

Oral Report (cont)



Economic
Development
Committee

Oral Report (cont)



Economic
Development
Committee

Oral Report (cont)

## Project / Parcel History (cont.)

- 2003: Fitchburg Redevelopment Authority (FRA) conducts Phase I Environmental Site Assessment (ESA) on behalf of city, utilizing Brownfields Assessment Grant from the Environmental Protection Agency (EPA)
- 2004: Phase II ESA completed by FRA, again using its EPA funded
   Brownfields Assessment Grant
- 2006: Additional Phase I ESA conducted

Weston Sampson

Economic Development Committee

Oral Report (cont)

## Project / Parcel History (cont.)

- City receives Economic Development Initiative (EDI) grant from HUD
  - · Community Development Dept. and FRA initiated the grant
  - Former Congressman John W. Olver submitted for grant funding
  - \$275,000 to assess development alternatives and roadway design
- 2012 (May): Weston & Sampson contracted to complete a Site Development Feasibility Study for Phase I of the site as a commercial / industrial park
- 2012 (October): Preliminary Report for the Princeton Road parcel complete. Report included:
  - Site Due Diligence
    - Zoning, Environmental, Utilities, Permitting.
  - Development Options (3 options created for report)
    - · Site Access, Lot Layouts, Planning Level Costing
  - MCP Triggered due to cadmium level found in groundwater

Weston Sampson.

Economic
Development
Committee

Oral Report (cont)

### **Project / Parcel History (cont.)**

- 2013 2014: Weston & Sampson performs environmental site assessment due to Cadmium in groundwater.
  - Response Action Outcome (RAO) submitted to DEP
  - "No Significant Risk" determination
- 2015 (June): Weston & Sampson awarded contract to expand previous study area as Phase II.
  - Study focuses on options including use of Georgia Pacific owned parcel W-11-C and Clay Bin parcel W-9-O
  - Meeting with FRA and City staff to discuss initial site layout options incorporating adjacent parcels
- 2015 (August): Design Review Meeting with City Staff
- 2016 (June): Progress Review Presentation to Council

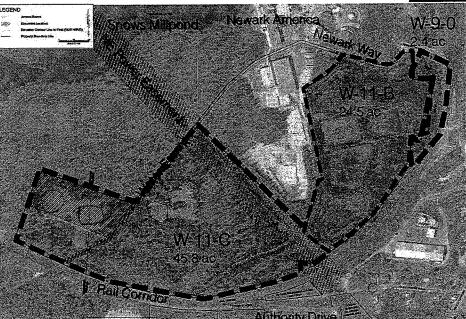
Weston & Sampson

Economic Development Committee

Oral Report (cont)

### **Project Understanding**

- Princeton Road Parcel study for City-owned parcel (W-11-B) completed in 2012
- High access cost = need for more creativity
- Evaluate options for a commercial / industrial park on the following parcels:
  - Georgia Pacific parcel (W-11-C)
  - "Clay Bin" parcel (W-9-O)



Economic Development Committee

Oral Report (cont)

### **Goals & Objectives**

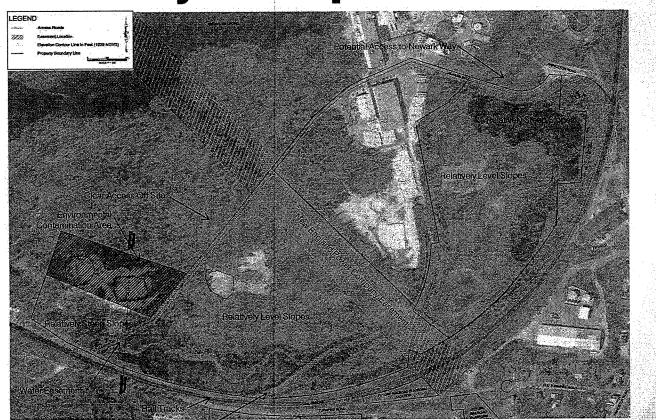
- Develop a Base Map of the parcels
- Conduct an Environmental Review of the site
- Prepare an Opportunities and Constraints Map
- · Develop alternatives to address site access / layout
- Conduct a preliminary traffic analysis
- Identify Land-Use & Zoning requirements
- Design Review Meeting with Staff
- Prepare a technical memorandum/ Final Report
- Initiate discussion with City Officials on use of parcel

Weston&Sampson

Economic Development Committee

Oral Report (cont)

**Site Analysis Map** 



Weston&Sampson.

Economic
Development
Committee

Oral Report (cont)



[2012 Phase I Concept]



#### Statistics

- 1,200 If of road
- 3 Lots

#### Advantages

- Outside of easement areas
- Adequate development area
- Convenient access from Newark Way

#### Disadvantages

- Road length variance required
- No development in Western parcel
- Newark Group Easement Rgd.

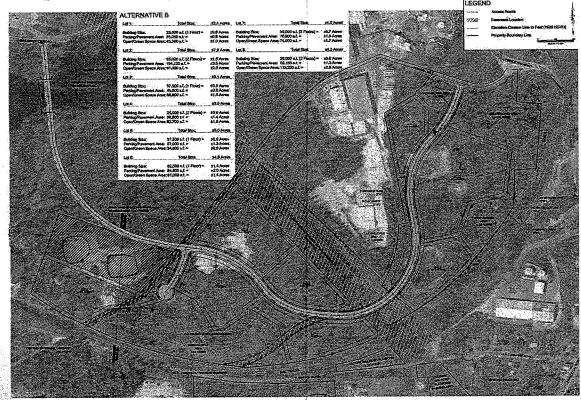
Weston&Sampson

Economic Development Committee

Oral Report (cont)

### **Development Concept B**

[Westminster Road Connection]



#### Statistics

- 5,000 If of road
- 8 Lots
- 225' Bridge to Westminster Rd.

#### Advantages

- Multiple Access Points
- Adequate development area
- Meets City requirements for road length/radii

#### Disadvantages

- Longest road length
- Significant offsite Development required

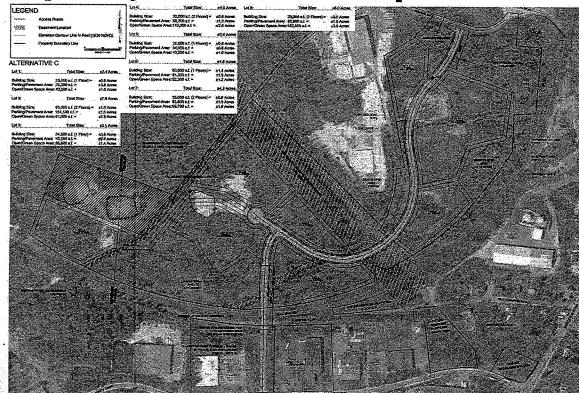
Weston&Sampson.

Economic
Development
Committee

Oral Report (cont)



[Authority Drive Central Connection]



#### Statistics

- 3,350 If of road
- \* 8 Lots
- 150-300' Bridge

#### Advantages

- Multiple Access Points
- Adequate development area
- Shortest bridge over rail corridor
- Most direct access onto Authority Drive

#### Disadvantages

- Lot 8 not totally utilized
- Requires easement for access onto Authority Drive

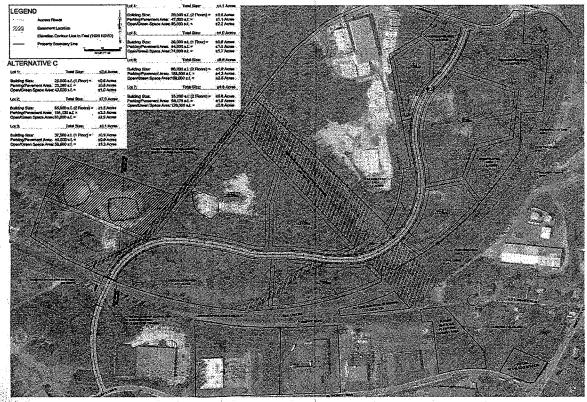
Weston&Sampson

Economic Development Committee

Oral Report (cont)

## **Development Concept D**

[Authority Drive West-End Connection]



#### Statistics

- 4,200' of road
- 7 Lots
- 200' Bridge

#### Advantages

- Multiple Access Points
- Adequate development area
- Road layout provides easiest connection to lots

#### Disadvantages

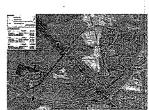
 Longer road and bridge length to connect to Authority Drive

Weston&Sampson.

Economic Development Committee

Oral Report (cont)

### **Alternatives Comparison**



Concept A 2012 Phase I of road Concept

Concept B

Westminster

Connection

Concept C

Central

Authority Dr.

Connection

### **Statistics**

- 1,200 lf
- 3 Lots

8 Lots

Rd..

road

8 Lots

150-300'

Bridge

5,000 If road

• 225' Bridge

• 3,500 If of

to Westmin.

#### **Advantages**

- · Outside of easement areas
- Adequate development area
- Convenient access from Newark Way
- Multiple Access Points Adequate development area
- Meets City requirements for road length/radii
- Multiple Access Points · Adequate development area
- Shortest bridge over rail corridor
- · Most direct access onto Authority Drive
- 4,400' of road Multiple Access Points
  - Adequate development area
  - Road layout provides easiest connection to lots

#### **Disadvantages** · Road length variance

- required No development in
- Western parcel Newark Group

Easement Rqd

- Longest road length
- Significant off-site Development required

Lot 8 not totally

utilized

\$10,900,000

**Prelim. Cost** 

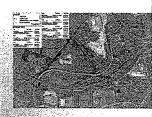
\$4,000,000

(\$274,255 / Ac.)

\$13,400,000

(\$337,055 / Ac.)

- (\$268,748 / Ac.) Requires easement for access onto Authority Drive
- Longer road and bridge length to \$12,400,000 connect to Authority (\$306,207 / Ac.) Drive



Concept D Authority Dr. **West-End** Connection

7 Lots

• 200' Bridge

Economic Development Committee

Oral Report (cont)

# Dialogue on options and City's goals

Weston&Sampson.

Report read and accepted.

Finance Committee

### Finance Committee Meeting of May 24, 2016

The Finance Committee recommended the following Orders be adopted:

- ORDERED THAT: There be and hereby is appropriated the sum of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000), same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT-DEMOLITION.
- 091-16. ORDERED THAT: The City of Fitchburg hereby accepts the gift of approximately \$260,000 from the Fitchburg Redevelopment Authority for the purpose of funding Demolition Activities in the approved Urban Renewal Area.
- ORDERED THAT: The City of Fitchburg hereby accepts and appropriates the insurance proceeds of approximately \$60,000 for Demolition Activities involving 39-43 West Street and 28 Oliver Street (former Central Fire Headquarters).
- ORDERED THAT: There be and hereby is appropriated the sum of THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000), same to be charged against AVAILABLE FUNDS and credited to accounts as follows: \$320,000 to HEALTH INSURANCE and \$70,000 to UNEMPLOYMENT COMPENSATION.

Report read and accepted. Orders adopted by unanimous vote. 10 members present. Board consists of 11 members. Orders signed by the Mayor June 9, 2016.

The Finance Committee recommended the following Petition be granted:

104-16. PETITION: Of Attorney Vincent Pusateri, City Solicitor to authorize the Mayor to enter into negotiations and execute a PILOT Agreement with Fitchburg Solar, LLC, regarding a Solar Project to be located at 549 Fisher Road.

Report read and accepted. Petition granted by unanimous vote. 10 members present. Board consists of 11 members.

Public Works Committee

### Public Works Committee Meeting of May 31, 2016

The Public Works Committee recommended the following Petitions be held in Committee:

207-15: PETITION: Of Kenneth J. Matson, President-Matson Homes, Inc. to accept Downy Circle, located within the Parker Hill Subdivision, as a public way.

181-15: PETITION: of Councilor Michael Kushmerek, to increase the height of a city-owned fence on Blossom Street between the intersection of Elm and Mechanic Street.

Report read and accepted. Petitions held in Committee by unanimous vote. 10 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petitions be granted:

086-16: PETITION: of Councilor Joel Kaddy, to install a chain link fence on Temple St. directly behind 60-62 Sanborn St.

105-16: PETITION: of Councilor Joel Kaddy and Gregory Therrien, to install a berm at 55 Hemlock Drive to control water run-off.

Report read and accepted. Petitions granted by unanimous vote. 10 members present. Board consists of 11 members.

#### ORDERS-FINANCE

The following Orders were referred to the Finance Committee:

ORDERED THAT: There be and hereby is transferred the sum of TWELVE THOUSAND DOLLARS (\$12,000) from WATER PERSONAL SERVICES OVERTIME.

ORDERED THAT: There be and hereby is transferred the sum of FIVE THOUSAND DOLLARS (\$5,000) from AIRPORT EXPENSES to accounts as follows: \$4,400 to AIRPORT PERSONAL SERVICES OVERTIME and \$600 to AIRPORT PERSONAL SERVICES.

ORDERED THAT: There be and hereby is transferred the sum of TWENTY-ONE THOUSAND DOLLARS (\$21,000) to CEMETERY MASTER PLAN-PHASE II from DPW CAPITAL-OAK HILL OAD BRIDGE.

184-16. ORDERED THAT: There be and hereby is transferred the sum of FORTY THOUSAND DOLLARS (\$40,000) to DPW-ADMINISTRATION/ENGINEERING EXPENSES-DOCUMENT SCANNING from accounts as follows:

DPW TRAFFIC SIGNALS EXPENSES: \$8,000
DPW HIGHWAY GENERAL EXPENSES: \$7,457
DPW MUNICIPAL GARAGE EXPENSES: \$17,000
DPW CAPITAL-OAK HILL ROAD BRIDGE: \$7,543

Orders-Finance

Petitions

#### **PETITIONS**

The following Petitions were referred to the Public Works Committee:

- Councilor Michael Kushmerek, to install a crosswalk on 185-16. Pleasant Street, near its intersection with High Street.
- 186-16. Councilor Jody Joseph and Mr. David Duval, 100 Falulah Street, to properly reconstruct Falulah Street from 135 Falulah Street to Benson Street.
- 187-16. Councillor Amy Green, to install a berm at 20 Linden Street.

The following Petition was referred to the Public Safety Committee:

188-16. Mr. Youssef Hayek, d/b/a USA Auto Service, LLC. 91 Laurel Street, Fitchburg, to expand its dealership by adding an additional 70 spaces for cars.

The meeting adjourned at 7:17 P.M.